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WILLIAM J. SCOTT  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD  
62706

December 12, 1974

Mr. John Rein  
Land Pollution Control  
Enforcement Services  
Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

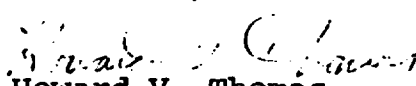
Re: EPA vs. Sauget and Company

Dear John:

Please find enclosed a copy of a Complaint which we propose to file in the above-captioned cause.

Would you please review this Complaint at your earliest opportunity, and notify me of the Agency's approval for its filing.

Sincerely,

  
Howard V. Thomas  
Assistant Attorney General  
Environmental Control Division  
Southern Region

HVT:ml

Enc.

cc: Jeff Diver  
Richard Cosby

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF ST. CLAIR)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,) )  
 )  
Complainant,) )  
 )  
-vs- ) PCB 74-  
 )  
SAUGET AND COMPANY, )  
 )  
Respondent.) )

COMPLAINT

Now comes the Complainant, the ENVIRONMENTAL PROTECTION AGENCY of the State of Illinois, (hereinafter the "EPA"), by its attorney, William J. Scott, Attorney General of the State of Illinois, pursuant to the Environmental Protection Act of the State of Illinois (Chapter 111 1/2, Illinois Revised Statutes, Pars. 1001 et. seq.), (hereinafter the "Act"), and complains of Respondent, SAUGET AND COMPANY, as follows:

COUNT I

1. That Respondent, SAUGET AND COMPANY, (hereinafter "SAUGET"), is a Delaware corporation which until November 15, 1973 qualified to do business in the State of Illinois.

2. That on November 15, 1973 the Secretary of State for the State of Illinois issued a Certificate of Revocation of

SAUGET's Certificate of Authority to do business in the State of Illinois and that at all times subsequent to said revocation, Respondent has been doing business in Illinois without a Certificate of Authority.

3. That at all times pertinent to this Complaint, SAUGET did operate and control a refuse disposal site, (hereinafter "the site"), located within Lot 304 of the Sixth Subdivision and Lot 302 of the Fourth Subdivision of the Cahokia Commons in Township 2 North, Range 10 West in St. Clair County in the State of Illinois.

4. That on May 26, 1971 in regard to the site, SAUGET was ordered by the Pollution Control Board of the State of Illinois in case entitled EPA v. Sauget and Company, PCB 71-29, (hereinafter called the "Order"), to do the following:

ORDER

1. Sauget & Company and Paul Sauget are to comply with Rules 5.06 and 5.07(a) of the Rules and Regulations for Refuse Disposal Sites and Facilities by completing the compaction and covering of all exposed refuse by the end of each working day.
2. Sauget & Company and Paul Sauget are to cease and desist the use of cinders as cover material.
3. Sauget & Company and Paul Sauget are to cease and desist the open dumping of refuse in violation of Section 21(a) and (b) of the Environmental Protection Act and Rule 3.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities.

4. Sauget & Company and Paul Sauget are to cease and desist the open burning of refuse in violation of Section 9(c) of the Environmental Protection Act and Rule 3.05 of the Rules and Regulations for Refuse Disposal Sites and Facilities.

5. Sauget & Company and Paul Sauget are to cease and desist the disposal of liquids at its solid waste disposal facility in violation of Rule 5.08 of the Rules and Regulations for Refuse Disposal Sites and Facilities.

6. Sauget & Company and Paul Sauget are to comply with Rules 4.03(a) and 5.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities with regard to the posting of hours of operation and the provision of proper fencing. Every point of practicable vehicle access shall be fenced.

7. Sauget & Company and Paul Sauget are to cease and desist the sorting of refuse by hand in violation of Rules 5.10 and/or 5.12(a) of the Rules and Regulations for Refuse Disposal Sites and Facilities.

8. On or before June 15, 1971, Sauget & Company and Paul Sauget shall file with the Agency and the Board a list of chemical compounds being deposited in the liquid waste disposal facility, or an affidavit of Monsanto Company that the chemicals do not pose a threat of pollution of the Mississippi River by underground seepage. Upon failure to furnish such information, the Board shall hold a supplemental hearing on five days' notice to the parties and shall enter such further Order as shall be appropriate.

9. Sauget & Company and Paul Sauget shall remit to the Environmental Protection Agency the sum, in penalty, of \$1,000.00.

SAUGET has reasonably complied with Points 7, 8 and 9 of the Order but has not reasonably complied with Points 1, 2, 3, 4, 5 and 6 of the Order as alleged in the following paragraphs herein.

5. Respondent SAUGET has operated the aforementioned refuse disposal site before, on, and after July 27, 1974, up to and including the date of filing of this Complaint, including but not limited to August 21, 1974. At no time before, on, or after July 27, 1974, did Respondent possess an operating permit granted by the Agency for the operation of the site, nor has the Agency issued to Respondent any such permit. As a result, Respondent has violated Section 21(e) of the Act, and Rule 202(b)(1) of the Solid Waste Rules and Regulations.

6. That beginning on or about March 14, 1972 and continuing every day of operation until July 27, 1973 and particularly including but not limited to:

March 15, 1972	November 30, 1972	April 10, 1973
May 3, 1972	December 1, 1972	April 11, 1973
May 4, 1972	March 27, 1973	April 13, 1973
June 7, 1972	March 28, 1973	April 16, 1973
June 8, 1972	March 29, 1973	April 20, 1973
September 5, 1972	March 30, 1973	April 23, 1973
September 6, 1972	March 31, 1973	April 24, 1973
October 11, 1972	April 1, 1973	April 25, 1973
October 16, 1972	April 2, 1973	April 26, 1973
October 17, 1972	April 3, 1973	May 4, 1973
October 18, 1972	April 5, 1973	May 11, 1973
November 3, 1972	April 6, 1973	May 23, 1973
November 28, 1972	April 9, 1973	June 5, 1973
		July 2, 1973

SAUGET in the operation of the site did cause or allow the open

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dumping of garbage and/or refuse in violation of Sections 21(a) and 21(b) of the Act and Rule 3.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities, (hereinafter the "Rules"), effective pursuant to Section 49(c) of the Act, and in violation of Point 3 of the Order.

7. That from on or about July 12, 1971 and continuing every day of operation until July 27, 1973 and particularly including, but not limited to:

September 14, 1971	October 16, 1972	April 5, 1973
September 30, 1971	October 17, 1972	April 9, 1973
November 11, 1971	October 18, 1972	April 10, 1973
December 2, 1971	November 3, 1972	April 11, 1973
March 14, 1972	November 28, 1972	April 13, 1973
March 15, 1972	November 30, 1972	April 16, 1973
April 13, 1972	December 1, 1972	April 20, 1973
May 3, 1972	February 22, 1973	April 23, 1973
May 4, 1972	March 26, 1973	April 24, 1973
May 22, 1972	March 27, 1973	April 25, 1973
May 23, 1972	March 28, 1973	April 26, 1973
June 7, 1972	March 29, 1973	April 27, 1973
June 8, 1972	March 30, 1973	April 30, 1973
July 3, 1972	March 31, 1973	May 4, 1973
July 27, 1972	April 1, 1973	May 11, 1973
September 5, 1972	April 2, 1973	May 23, 1973
September 6, 1972	April 3, 1973	June 5, 1973
October 11, 1972	April 4, 1973	July 2, 1973

SAUGET in the operation of the site failed to provide a six inch layer of compacted cover material and failed to use material which would permit only minimal percolation of surface water when properly compacted in violation of Rule 5.07(a) of the Rules and in violation of Points 1 and 2 of the Order.

8. That beginning on or about March 14, 1972 and continuing every day of operation until July 27, 1973, and particularly

including but not limited to:

March 15, 1972	December 1, 1972	April 10, 1973
May 3, 1972	March 26, 1973	April 11, 1973
May 4, 1972	March 27, 1973	April 13, 1973
June 7, 1972	March 28, 1973	April 16, 1973
June 8, 1972	March 29, 1973	April 20, 1973
September 5, 1972	March 30, 1973	April 23, 1973
September 6, 1972	March 31, 1973	April 24, 1973
October 11, 1972	April 1, 1973	April 25, 1973
October 16, 1972	April 2, 1973	April 26, 1973
October 17, 1972	April 3, 1973	April 27, 1973
October 18, 1972	April 4, 1973	April 30, 1973
November 3, 1972	April 5, 1973	May 23, 1973
November 28, 1972	April 6, 1973	June 5, 1973
November 30, 1972	April 9, 1973	July 2, 1973

SAUGET in the operation of the site failed to adequately spread and compact refuse as rapidly as it was admitted to the site in violation of Rule 5.06 of the Rules and in violation of Point 1 of the Order.

9. That beginning on or about February 22, 1973, and continuing every day of operation until July 27, 1973, and particularly including but not limited to:

March 26, 1973	April 2, 1973	April 11, 1973
March 27, 1973	April 3, 1973	April 13, 1973
March 28, 1973	April 5, 1973	April 20, 1973
March 29, 1973	April 6, 1973	April 23, 1973
March 30, 1973	April 10, 1973	April 24, 1973
		April 25, 1973

SAUGET in the operation of the site caused or allowed the deposition of refuse in standing water in violation of Rule 5.12(c) of the Rules.

10. That beginning on or about June 1, 1971, and continuing every day of operation until July 27, 1972, and particularly including but not limited to:

July 12, 1971  
September 14, 1971  
September 30, 1971  
March 15, 1972  
May 22, 1972

July 3, 1972  
July 27, 1972  
February 22, 1973  
March 27, 1973  
April 23, 1973

SAUGET in the operation of the site allowed the deposition of liquid and hazardous materials without first obtaining written approval from the EPA in violation of Rule 5.08 of the Rules and in violation of Point 5 of the Order.

11. That beginning on or about July 3, 1972, and continuing every day of operation until July 27, 1973, and particularly including but not limited to:

July 27, 1972  
September 5, 1972  
September 6, 1972  
October 17, 1972

October 18, 1972  
November 3, 1972  
March 30, 1973

SAUGET in the operation of the site caused or allowed the open burning of refuse in violation of Section 9(c) of the Act, and Rule 3.05 and 5.12(d) of the Rules and in violation of Point 4 of the Order.

12. That beginning on or about December 2, 1971, and continuing every day of operation until July 27, 1973, SAUGET AND COMPANY in the operation of the site failed to provide a compacted layer of two feet of a cover material which would permit only minimal percolation of surface water over the entire surface of all completed portions of the fill within six months following the final placement of refuse in violation of Rule 5.07(b) of the Rules.



WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY, asks the Pollution Control Board to grant the following relief:

1. That the Pollution Control Board set a hearing date in this matter, to be not less than twenty-one (21) days from the date of service hereof, at which time Respondent, SAUGET AND COMPANY, be required to answer the allegations herein.

2. That the Board, after due consideration of any statements, testimony and arguments as shall be duly submitted at the hearing, or upon default in the appearance of Respondent, enter and issue a final order; directing each Respondent to cease and desist from further violations.

3. That the Board impose upon each Respondent a money penalty not to exceed \$10,000 for each violation, and an additional penalty not to exceed \$1,000 for each day during which a violation shall have continued.

4. That the Pollution Control Board issue such additional final order or make a final determination, as it shall deem appropriate under the circumstances.

#### COUNT II

13. That Complainant adopts and realleges paragraphs 1 to 4, inclusive, of Count I of this Complaint and incorporates them herein as paragraphs 14 to 17 of this Count II.

18. That from on or about July 27, 1973, and continuing every day of operation until the filing of this Complaint,

and particularly including, but not limited to:

August 6, 1973	January 7, 1974
September 9, 1973	February 19, 1974
October 16, 1973	February 20, 1974
October 17, 1973	March 1, 1974
November 14, 1973	March 8, 1974

SAUGET in the operation of the site failed to provide a six inch layer of compacted suitable cover material to cover all exposed refuse at the end of the working day in violation of Rule 305(a) of the Solid Waste Rules and Regulations [hereinafter "Regulations"] adopted by the Pollution Control Board on July 27, 1973, pursuant to Section 22 of the Act [Ill. Rev. Stat. 1971, ch. 111 1/2, par. 1022]. It is Complainant's belief and Complainant hereby alleges and may show that the violations alleged in this paragraph will continue on each day of operation hereafter, unless abated after the filing hereof.

19. That from on or about July 27, 1973, and continuing every day of operation until the filing of this Complaint, and particularly, but not limited to:

August 6, 1973	January 7, 1974
September 9, 1973	February 19, 1974
October 16, 1973	February 20, 1974
October 17, 1973	March 1, 1974
November 14, 1973	March 8, 1974

SAUGET in the operation of the site failed to spread and compact refuse, in layers not exceeding two feet in depth, as rapidly as the refuse was deposited at the toe of the fill in violation of Rule 303(b) of the Solid Waste Regulations. It is Complainant's belief and Complainant hereby alleges and may show that the

violations alleged in this paragraph will continue on each day of operation hereafter, unless abated after the filing hereof.

20. That from on or about July 27, 1973, and continuing every day of operation until the filing of this Complaint, and particularly, but not limited to:

September 18, 1973

October 17, 1973

October 16, 1973

November 14, 1973

SAUGET in the operation of the site allowed the deposition of liquid and hazardous materials without authorization by permit in violation of Rule 310(b) of the Solid Waste Regulations. It is Complainant's belief and Complainant hereby alleges and may show that the violations alleged in this paragraph will continue on each day of operation hereafter, unless abated after the filing hereof.

21. That on or about July 27, 1973, and continuing every day of operation until the filing of this Complaint, and particularly, but not limited to:

September 18, 1973

SAUGET in the operation of the site caused or allowed open burning of refuse in violation of Section 9(c) of the Act and Rule 311 of the Solid Waste Regulations. It is Complainant's belief and Complainant hereby alleges and may show that the violations alleged in this paragraph will continue on each day of operation hereafter, unless abated after the filing hereof.

22. That from on or about July 27, 1973, and continuing

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every day of operation until the filing of this Complaint, and particularly including, but not limited to:

April 29, 1974  
May 24, 1974

June 17, 1974  
August 21, 1974

Respondent SAUGET caused or allowed the open dumping of refuse in such a manner as to not fulfill the requirements of a sanitary landfill as defined in Section 3(1) of the Act. The aforementioned open dumping was in violation of Section 21(b) of the Act, and paragraph 3 of the Order.

23. That from on or about July 27, 1973, and continuing every day of operation until the filing of this Complaint, and particularly including, but not limited to:

March 8, 1974  
April 9, 1974  
May 24, 1974

June 17, 1974  
August 21, 1974

Respondent SAUGET failed to apply two (2) feet of final cover within the sixty (60) days following the placement of refuse in the final lift, in violation of Rule 305(c) of the Regulations which became effective July 27, 1973, and were adopted pursuant to the authority granted by Section 22(a) of the Act.

24. That from on or about July 27, 1973, and continuing every day of operation until the filing of this Complaint, and particularly including, but not limited to:

February 19, 1974  
March 8, 1974  
April 9, 1974

May 24, 1974  
June 17, 1974  
August 21, 1974

Respondent SAUGET failed to apply at least twelve (12) inches of cover material on all surfaces of the landfill where no additional refuse had been deposited within the prior sixty (60) days, in violation of Rule 305(b) of the Regulations which became effective July 27, 1973, and were adopted pursuant to the authority granted by Section 22(a) of the Act.

25. That on August 21, 1974, Respondent SAUGET failed to provide fencing, gates or other measures to control access to the aforementioned refuse disposal site, in violation of Rule 314(c) of the Regulations which became effective July 27, 1973, and were adopted pursuant to the authority granted by Section 22(a) of the Act.

WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY, asks the Pollution Control Board to grant the following relief:

1. That the Pollution Control Board set a hearing date in this matter, to be not less than twenty-one (21) days from the date of service hereof, at which time Respondent, SAUGET AND COMPANY, be required to answer the allegations herein.

2. That the Board, after due consideration of any statements, testimony and arguments as shall be duly submitted at the hearing, or upon default in the appearance of Respondent, enter and issue a final order; directing each Respondent to cease and desist from further violations.

3. That the Board impose upon each Respondent a money

penalty not to exceed \$10,000 for each violation, and an additional penalty not to exceed \$1,000 for each day during which a violation shall have continued.

4. That the Pollution Control Board issue such additional final order or make a final determination, as it shall deem appropriate under the circumstances.

### COUNT III

26. That Complainant adopts and realleges paragraphs 1 to 4, inclusive, of Count I of this Complaint and incorporates them herein as paragraphs 27 to 30 of this Count III.

31. That beginning on or about March 26, 1973, and continuing until on or about April 25, 1973, SAUGET, in the operation of the site and in violation of Section 12(d) of the Act, created a water pollution hazard by depositing at the site, garbage, refuse and other contaminants, when it knew or should have known that the flooding of the site by the rising waters of the Mississippi River and subsequent washing away of the garbage, refuse and other contaminants into the Mississippi River were reasonably foreseeable.

32. That beginning on or about March 26, 1973, and continuing until on or about April 25, 1973, SAUGET in the operation of the site caused or allowed the discharge of garbage, refuse and other contaminants into the Mississippi River so as to cause or tend to cause water pollution in violation of Section 12(a) of the Act.

33. That beginning on or about March 26, 1973, and continuing until on or about April 25, 1973, SAUGET, in violation of Rule 2.02 of the Rules and Regulations for Refuse Disposal Sites and Facilities effective pursuant to Section 49(c) of the Act, operated its site without protection by impervious dikes and without the use of pumping facilities for removal of seepage and surface waters, even though it knew or should have known that its site was located in an area subject to flooding.

WHEREFORE, the ENVIRONMENTAL PROTECTION AGENCY, asks the Pollution Control Board to grant the following relief.

1. That the Pollution Control Board set a hearing date in this matter, to be not less than twenty-one (21) days from the date of service hereof, at which time Respondent, SAUGET AND COMPANY, be required to answer the allegations herein.

2. That the Board, after due consideration of any statements, testimony and arguments as shall be duly submitted at the hearing, or upon default in the appearance of Respondent, enter and issue a final order; directing each Respondent to cease and desist from further violations.

3. That the Board impose upon each Respondent a money penalty not to exceed \$10,000 for each violation, and an additional penalty not to exceed \$1,000 for each day during which a violation shall have continued.

4. That the Pollution Control Board issue such additional final order or make a final determination, as it shall deem appropriate under the circumstances.

ENVIRONMENTAL PROTECTION AGENCY,

Complainant

BY: WILLIAM J. SCOTT  
ATTORNEY GENERAL

BY: Larry R. Eaton  
Assistant Attorney General  
Chief, Environmental Control  
Division  
Southern Region  
Dated:

OF COUNSEL:  
Howard Vincent Thomas  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217-782-1090



CASE SYNOPSIS

Agency Enforcement File No.: 3602

Division: Land/Noise Pollution

Respondent:

Paul Sauget and Sauget & Company, a Delaware Corporation

Location of Facility:

On the Mississippi River in Sauget, St. Clair County, Illinois

Nature of Violations Alleged:

Lack of adequate final cover.  
Placing contaminants on the land so as to cause a water pollution hazard.  
Open burning.

Controls Available/Approx. Cost:

Application of 2 feet of earthen cover.  
Substantial expense as more than 35 acres are involved and there is no cover material on the site.


Voluntary Compliance Action Taken:

Suggested Relief/Range of Penalty Sought:

Cease & Desist Order.  
Penalty: \$5,000-\$10,000.  
Performance Bond: \$200,000

Miscellaneous Relevant Comments:

Donald S. Means 1/5/77  
Assigned Attorney Date  
Rev. 2/10/77  
John H. Rein 2/18/77  
Senior Attorney Date

 2-18-77  
Division Manager Date  
Delbert Haschenberger (den) 2/22/77  
Coordinator of Date  
Enforcement Programs

PMM  
JL  
KA  
JG

Illinois

Richard H. Briceland, Director



Environmental Protection



2200 Churchill Road, Springfield, Illinois 62706 Agency

Telephone: 217/782-5544

February 23, 1977

Mr. Richard Cosby, Chief  
Assistant Attorney General  
Environmental Control Division  
188 West Randolph, Suite 2315  
Chicago, Illinois 60601

Re: Paul Sauget and Sauget &  
Company, a Delaware Corporation  
EPA #3602

Dear Rich:

Enclosed herewith please find materials assembled by the Environmental Protection Agency supporting the filing of an enforcement action before the Pollution Control Board against the above-named respondent. The Agency solicits your agreement to represent it in such enforcement action. If, after you have reviewed these materials, you agree to undertake such representation, please advise me in writing of your agreement; at the same time forward a draft complaint to the assigned Agency technical advisor shown below. Upon concurrence in the draft complaint by our respective personnel, I will provide you with written direction to file the complaint before the Board.

If you conclude that you cannot represent the Agency in filing such an action, please return the enclosed materials to me with a specification of your reasons for so concluding.

Yours truly,

Delbert D. Haschemeyer  
Coordinator of Enforcement Programs

  
Donald S. Means  
Assigned Technical Advisor

DDH:nh  
Enclosure

cc: B. Schafer

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF SANGAMON    )

PROOF OF SERVICE

I, the undersigned, being duly sworn on oath, depose and state that I have served the attached ENFORCEMENT BROCHURE for Paul Sauget & Co., a Delaware Corporation, EPA #3602 upon the person to whom said document(s) is/are directed, by placing a copy in an envelope addressed to:

Mr. Richard Cosby, Chief  
Assistant Attorney General  
Environmental Control Division  
188 West Randolph, Suite 2315  
Chicago, Illinois 60601

and mailing same with sufficient postage affixed, certified mail, return receipt requested; said envelope being deposited in the United States mail, Springfield, Illinois, on February 23, 1977.

Charlene Powell

SUBSCRIBED AND SWORN TO BEFORE ME

this 23rd day of February,

19 77.

Elizabeth B. Schaefer  
Notary Public

Case: ENVIRONMENTAL PROTECTION AGENCY v. PAUL SAUGET, individually,  
and SAUGET AND COMPANY, a Delaware Corporation.

File #: 3602

By: Don Means

# I. DESCRIPTION OF FACILITY

The facility which is the subject of this enforcement action is a refuse disposal site located near the Mississippi River in St. Clair County, Illinois (pp. 1, 11). The site is located in Centreville Township (T2N, R10W of the 3rd principal meridian) and lies partly within the limits of the Village of Sauget (p. 1). The total area of the site is approximately thirty-five acres (p. 24). Immediately to the west of the site is the Mississippi River (p. 1). A Union Electric power plant is located to the north of the site (reference: information provided by Pat McCarthy). Also to the north of the site is a dumping site for toxic chemicals operated by the Monsanto Company (reference: information provided by Pat McCarthy). The tracks of the Alton and Southern Railroad intersect the site from northeast to southwest (p. 1). To the east of the site is the levee and Gulf Mobile and Ohio railroad tracks (p. 1). This site had begun operation by at least 1967 (p. 3). The site accepted general refuse (p. 8). Cinders were used as cover (pp. 230, 272). The site was totally inundated by flood waters from the Mississippi in the spring of 1973 (pp. 134-139).

That portion of the site south of the Alton and Southern tracks was not operated after the flood (p. 260). The northern portion was permanently closed some time after August 21, 1974 (p. 284). The site currently is not in operation, nor has it received adequate final cover (p. 302). In September, 1976, a fire occurred at the site, and refuse smouldered underground for at least two weeks (pp. 301-314).

During most of the time of the operation of this site, the land was owned by Cahokia Trust Properties of Cahokia, Illinois (p. 55). On April 2, 1973, the property was sold to Notre Dame Fleeting and Towing Service, Inc., which later was merged into Eagle Marine Industries (pp. 43, 55). Eagle Marine was probably instrumental in the cessation of the unpermitted operation of this site (pp. 112, 113, 285).

The operation of the site was conducted by Sauget and Company (Sauget). Sauget is a Delaware corporation which until November 15, 1973 was authorized to do business in the State of Illinois (pp. 57 and 58). On November 15, 1973, the Secretary of State of the State of Illinois revoked the authority of Sauget to transact business in Illinois for failure to file its annual report and pay its annual franchise tax (pp. 57 and 58). Since November 15, 1973, Sauget has been doing business in Illinois without a Certificate of Authority. Paul Sauget is an officer of Sauget and Company and a principal owner (reference: information provided by Pat McCarthy). Because of his personal involvement in the operation of this facility, he should be named as an individual respondent.

## II. DESCRIPTION OF POLLUTION SOURCE

The primary cause of pollution at this facility is the lack of adequate final cover. All refuse has not received at least two feet of cover as required by Rule 305(c) of Chapter 7. Additionally, the cover which has been applied is not a suitable material. Cinders have been used as cover instead of well-compacted clay or earth. As a consequence, three sorts of pollution occur:

1. Surface water infiltrates the refuse, causing the generation of leachate which migrates into the groundwater and hence into the Mississippi River.

2. When the Mississippi River is up, as in the spring of 1973, refuse is carried into the River.

3. Surface fires, such as the one which occurred in September of 1976, ignite underground refuse, causing a smouldering, smoky fire which is very difficult to extinguish.

## III. PREVIOUS AGENCY INVOLVEMENT

The site was registered with the Department of Public Health on March 6, 1967 (pp. 3-5). An application for a permit was submitted to the Agency on February 7, 1972 (pp. 6-11). The application was denied on March 9, 1972 (p. 12). Another application was made on July 3, 1972 (pp. 13-28). This application was denied on August 7, 1972 (pp. 29-33). A request to reactivate the application and supplemental material were submitted to the Agency on August 1, 1974 (pp. 41-48). The application was again denied on September 16, 1974 (pp. 51-53). No further attempts to obtain a permit have been made.

Sauget was ordered by the Pollution Control Board on May 26, 1971 to pay a penalty of \$1,000 for violations in operations on a portion of the facility (PCB 71-29). Sauget was also ordered at that time to cease using cinders for cover.

The Agency has sent many letters to Sauget since it began inspecting the facility which included notification of violations observed at the site. Since April 26, 1972 many letters have advised Sauget of its failure to provide adequate final cover in required areas (pp. 60-119).

Agency personnel have spoken to Paul Sauget on several instances (pp. 112, 134, 135, 141, 290, 301, 310). On January 21, 1975, he orally agreed to the need for final cover at the site and indicated his intent to provide it (p. 290). On September 8, 1976, and September 15, 1976, he acknowledged his responsibility for the fire then burning on the site and stated that he would take corrective action (pp. 301-310).

#### IV. VIOLATIONS

1. (a) Chapter 7 - Rule 305(c) provides that a compacted layer of not less than two feet of suitable material shall be placed over completed portions of a landfill; not later than sixty (60) days following the final placement of refuse.

(b) Proof - Disposal operations were discontinued at the site some time before January 21, 1975 (p. 289). Under Rule 305(c), completion of final cover was required over the entire site before March 22, 1975. However, Agency inspections reveal that final cover is not yet complete (p. 311). Final cover was required even earlier

on specific areas of the site where dumping had ceased earlier (e.g., p. 140). In other words, the site has been in violation of Rule 305(c) for years. On March 8, 1974, an inspection of the site was conducted for the purpose of determining how much final cover was in place at the site (pp. 271-275). The inspection disclosed that cover varied in depth from 4" to 12" and consisted entirely of cinders (p. 272). Five photographs verify these findings (pp. 273-275). A similar inspection was conducted on January 26, 1976 (pp. 292-300). This inspection disclosed that the southern portion of the site had cover of dirt rather than cinders, but that it was only two to three inches in depth (p. 293). It also disclosed that conditions on the northern portion were similar or identical to those observed on March 8, 1974 (p. 293). Also, much refuse was observed with no cover (p. 293). Photographs were also taken during this inspection (pp. 296-300). The site was visited most recently on September 27, 1976, at which time it had not yet received adequate final cover (p. 314).

(c) Dates - From on or before March 22, 1975, to the filing of the complaint, final cover has been required over the entire site, and from even earlier on portions of the site (see proof, above).

2. (a) Chapter 3 - Rule 203(a) provides that all waters of the State shall be free from unnatural bottom deposits, oil, and floating debris, and Section 12(a) of the Environmental Protection Act provides in relevant part that no person shall cause or threaten or allow the discharge of any contaminants into the environment so as to violate regulations adopted by the Board.



(b) Proof - In the spring of 1973, the Mississippi River rose and inundated the subject site (pp. 134-228). All refuse previously deposited which had not received cover then became either a bottom deposit or floating debris in the Mississippi River. Also during this time Sauget caused refuse to be dumped into the water on the site (pp. 140, 141, 144, 146, 204, 206, 209, 235). Receding flood waters carried refuse off the site and into the main channel of the Mississippi (pp. 199, 202, 213, 223A). Refuse from the site was observed to have been carried at least two miles downstream (pp. 147-148). Many photographs were taken during this period which show debris in the water (pp. 153-175, 178-187, 189-192, 195-198, 200-202, 205-207, 214-222, 224-226, 228, 232-234). The violation of Rule 203(a) of Chapter 3 is also a violation of Section 12(a) of the Act.

(c) Dates - The initial observation of the site during the period of the flood occurred on March 26, 1973 (pp. 134, 140). Flood conditions persisted through at least May 11, 1973 (pp. 227-228) and refuse was observed in water until at least October 17, 1973 (p. 243).

3. (a) Section 12(d) of the Act provides that no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

(b) Proof - See proof of violation of Rule 203(a) of Chapter 3 above. Also, because of the inadequacy of final cover, there is a great hazard that leachate will be generated and will migrate into the

groundwater and into the Mississippi (see proof of violation of Rule 305(c) of Chapter 7, above).

(c) Dates - All refuse placed at this site from the effective date of the Act, July 1, 1970, until the cessation of dumping some time after August 21, 1974, was deposited in such place and manner so as to create a water pollution hazard.

4. (a) Section 9(c) of the Act provides that no person shall cause or allow the open burning of refuse.

(b) Proof - On September 8, 1976, a fire was observed on the subject site (pp. 301, 311). It had started at the north end of the site in some piles of openly dumped demolition refuse and had spread across the vegetation growing in the thin cover over the northern portion of the site (p. 311). The fire on the surface ignited the refuse underground, due in part to refuse protruding through the thin cover and in part to rat holes on this area of the site (p. 311). The site was again observed on September 9, 1976, and was still burning (pp. 302-303). Several photographs taken on September 9, 1976 show evidence of burning (pp. 304-309). The site was visited again on September 15, 1976, and on September 27, 1976, and found to be burning each time (pp. 310-314).

(c) Dates - Open burning of refuse occurred at the site from on or before September 8, 1976, until at least September 27, 1976 (pp. 301, 314).

#### V. AVAILABLE TECHNICAL SOLUTIONS

The best solution to the pollution problems presented by this facility is quite simple: application of final cover pursuant to Rule 305(c).

Two feet of well-compacted, relatively impermeable earthen material will protect the refuse from encroaching flood waters. Observation of the site during the 1973 flood indicated that refuse which had been covered was much less likely to be washed out and carried into the channel of the Mississippi. Also, proper cover will inhibit the formation of leachate and the ignition of underground refuse by surface fires.

The only technological difficulty that might arise at this facility is extinguishing an underground fire should it be found that such a fire continues to burn there. If so, the smouldering refuse will have to be excavated and dragged through water to ensure that the fire is totally extinguished.

The cost of these solutions is likely to be quite high, particularly in light of the shortage of cover material on the site. The field staff estimates that approximately 100,000 cubic yards of earthen material will be needed to properly cover the site pursuant to Rule 305(c) of Chapter 7. It is estimated (conservatively) that \$2.00 per cubic yard would be necessary to haul in earthen material, bringing the cost of covering to about \$200,000. In addition, the Agency will probably request that monitoring wells be installed in certain areas.

VI. WITNESS LIST

1. Pat McCarthy  
Division of Land Pollution Control  
Field Operations Section  
Collinsville, Illinois

2. Kenneth Mensing  
Division of Land Pollution Control  
Field Operations Section  
Collinsville, Illinois
3. Bill Child  
Division of Land Pollution Control  
Field Operations Section  
Aurora, Illinois
4. Andy Vollmer  
Division of Land Pollution Control  
Springfield, Illinois
5. Michael G. Neumann  
Division of Water Pollution Control
6. James Kammuegger  
Division of Water Pollution Control
7. Donald Chrismore  
St. Louis District  
U.S. Army Corps of Engineers
8. Louis Benzek  
St. Louis District  
U.S. Army Corps of Engineers

(Reference may be made to pages 315-323 for qualifications of Agency witnesses).

VII. RELIEF

1. The pleadings should request the maximum penalty under Section 42 of the Act. In the event of a settlement, a penalty in the range of \$5,000-\$10,000 should be sought.

2. The Board should be requested to order that Sauget cease and desist from all violations within 60 days of the date of the Board's Order. A performance bond in the amount of \$200,000 should be obtained to ensure compliance with the Order.